

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARICELA RAMIREZ,

CV No. 05-1542-AS

Plaintiff,

ORDER OF DISMISSAL

v.

UNITED AIRLINES, INC., a foreign corporation;
COMPANIA MEXICANA DE AVIACION, S.A.
DE C.V., A Mexican corporation doing business
as MEXICANA AIRLINES (an assumed business
name), and JOHN DOES 1 through 10,

Defendants.

ASHMANSKAS, Magistrate Judge:

On November 25, 2005, plaintiff filed a Motion to Dismiss on the grounds that the exact same case was filed in the United States District Court for the Northern District of California, the defendants have appeared in that action and all parties agree that the California court has jurisdiction over this matter. Pursuant to Fed. R. Civ. P. 41(a)(1), plaintiff may dismiss this action at any time before the opposing parties file an answer or motion for summary judgment. The record shows that

no defendant has appeared in this action. Accordingly,

IT IS ORDERED and ADJUDGED that: (1) this action is DISMISSED without prejudice and without an award of costs, disbursements or attorneys' fees to any party; (2) pending motions, if any, are DENIED as moot; and (3) all scheduling dates shall be vacated and stricken from the court calendar.

DATED this 28th day of November, 2005.



DONALD C. ASHMANSKAS
United States Magistrate Judge